

EXHIBIT B

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 JONATHAN HARRIS,

5 PLAINTIFF,

6 -against- Case No. 15-CV-8456

7 CITY OF NEW YORK; and JOHN and JANE DOE 1 through 10,
8 individually and in their official capacities
9 (the names John and Jane Doe being fictitious,
10 as the true names are presently unknown),

11 DEFENDANTS.

12 -----X

13
14 DATE: May 18, 2016

15 TIME: 10:45 A.M.

16 DEPOSITION of the Plaintiff,

17 JONATHAN HARRIS, taken by the Defendant, pursuant
18 to a Court Order and to the Federal Rules of Civil
19 Procedure, held at the offices of The Metropolitan
20 Correctional Facility, 150 Park Row, New York,
21 New York 10007, before Robert Gonzalez, a Notary
22 Public of the State of New York.
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1 A P P E A R A N C E S:

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Attorneys for Plaintiff
305 Broadway
14th Floor
New York, New York 10007
BY: GABRIEL P. HARVIS, ESQ.

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CITY OF NEW YORK
100 Church Street
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BY: PAUL JOHNSON, ESQ.
File No. 2015-047964
Control No. 161643

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J. HARRIS

1 J O N A T H A N H A R R I S , called as a witness,
2 having been first duly sworn by a Notary Public of the
3 State of New York, was examined and testified as follows:

4 EXAMINATION BY

5 MR. JOHNSON:

6 Q. State your name for the record.

7 A. Jonathan Harris.

8 Q. State your address for the record, home address.

9 A. 331 East 146 Street, 3rd and College.

10 Q. Where is that?

11 A. Bronx, New York.

12 Q. Good morning, Mr. Harris.

13 I am Paul Johnson. I am an attorney with the
14 office of Corporation Counsel for the City of New York. I
15 represent the Defendants in this matter with this lawsuit
16 you filed.

17 I would like to go over a few basic rules of the
18 deposition. I will ask you questions today about
19 information you may have regarding your claims. Do you
20 understand that even though we are not in the courtroom now
21 the oath you took is the same oath you would take on the
22 witness stand should the case go to trial?

23 A. Yes.

24 Q. I will be asking you questions and the Court
25 Reporter will be recording those questions and your

J. HARRIS

1 A. Newark.

2 Q. Why don't you live with your mother?

3 MR. HARVIS: Objection.

4 MR. JOHNSON: You can still answer.

5 A. I don't know. I didn't want to go over there. I
6 am not a Jersey person. I am a New York City person.

7 Q. How long has she lived in Newark?

8 A. I believe two years.

9 Q. Why did she move to Newark?

10 A. For more space.

11 Q. Do you have a middle name?

12 A. Yes.

13 Q. What's your middle name?

14 A. Devontae.

15 Q. Have you ever used a different name legally?

16 A. No.

17 Q. Have you ever been known by any other name other
18 than Jonathan Harris?

19 A. Yes.

20 Q. What name is that?

21 A. Egggy.

22 Q. How long have you used that nickname?

23 MR. HARVIS: Objection. You can answer.

24 A. A couple of years. I don't really have a number.

25 Q. More than three years?

J. HARRIS

1 A. I wouldn't say.

2 Q. And how did you get that name?

3 A. Because of my childhood.

4 Q. What about your childhood?

5 A. I used to get a very light Caesar, shaving my
6 head.

7 Q. So it looked like an egg?

8 A. Yes.

9 Q. And who called you Eggy?

10 A. An older person, older guy.

11 Q. What older guy?

12 A. I don't remember his name. Years ago.

13 Q. And who else called you by that name?

14 A. Some friends.

15 Q. Was that nickname known to the New York City
16 Police Department?

17 MR. HARVIS: Objection.

18 A. I don't know.

19 Q. And --

20 MR. JOHNSON: Exhibit A, it is a New York
21 City Police Department arrest report, Bates
22 number DEF 000001.

23 (Whereupon, the aforementioned document was
24 marked as Defendant's Exhibit A for
25 identification as of this date by the Reporter.)

J. HARRIS

1 A. I don't know what PSA 7 stand for. That's a
2 precinct though.

3 Q. And what is the next arrest that you remember?

4 A. That's it.

5 Q. Do you recall if you were arrested on April 10th,
6 2015 in the vicinity of College Avenue and East 148 Street?

7 A. No.

8 MR. JOHNSON: This is Defendant's Exhibit C.
9 It is an arrest report for Jonathan Harris dated
10 April 10th, 2015 at 8:40 p.m.

11 (Whereupon, the aforementioned document was
12 marked as Defendant's Exhibit C for
13 identification as of this date by the Reporter.)

14 Q. Is that your name and date of birth?

15 A. Yes.

16 Q. Does this refresh your memory about this
17 incident?

18 A. Yes.

19 Q. And why were you arrested on that date?

20 MR. HARVIS: Objection. You want to know
21 what the circumstances were?

22 Q. Yes, where were you arrested?

23 A. Where was I?

24 Q. Yes.

25 A. At the arrest location.

J. HARRIS

1 Q. What did they charge you with?

2 A. Looks like they charged me with possession of a
3 knife.

4 Q. And if you go to the second page, do you remember
5 what you were wearing that day?

6 A. No.

7 Q. Do you know what jacket they were talking about
8 when they say you were wearing a jacket?

9 A. No.

10 Q. Do you own a black jacket?

11 A. No.

12 Q. Do you own sweat pants, blue sweat pants?

13 A. No.

14 Q. Do you own gray sneakers?

15 A. No.

16 Q. And do you know the officers who arrested you in
17 this?

18 A. No, I do not.

19 Q. Do you know the outcome of this criminal case?

20 A. Had to pay a fine.

21 Q. Did you plead guilty?

22 A. Yes.

23 Q. What did you plead guilty to?

24 A. I don't remember what the charge was.

25 Q. And why did you plead guilty?

J. HARRIS

1 A. Because I had the box cutter.

2 Q. Where did you acquire that? Where did you get it
3 from?

4 A. From the store.

5 Q. What store?

6 A. Like a hardware store.

7 Q. Do you remember which hardware store?

8 A. No.

9 Q. Was it in the Bronx?

10 A. Yes.

11 Q. Was it near your apartment?

12 A. Yes.

13 Q. Why did you have that?

14 A. I was helping my aunt with the boxes. To cut
15 boxes.

16 Q. And why did you plead guilty then?

17 A. Because I had it.

18 Q. I will say, the arrest report said something
19 about a gravity knife, do you know what that means?

20 A. I don't know what that means.

21 Q. Do you remember when you were arrested on April
22 4th, 2015? Did you have to post bail?

23 MR. HARVIS: What's April 4?

24 Q. April 10th, 2015, did you have to pay bail?

25 A. The same picture you showed me?

J. HARRIS

1 Q. Why did you think that you had to turn yourself
2 in?

3 A. Because I felt I didn't do nothing. What's the
4 point of me --

5 MR. HARVIS: When did you learn that there
6 was an indictment that you were facing?

7 A. The indictment happened December 9th. I found
8 out later that day the 10th she called for the meeting and
9 the 11th came in.

10 Q. The 10th your attorney called for a meeting?

11 A. Yes, set it up for the next day for Friday the
12 11th.

13 Q. Were you the only individual to turn yourself in
14 that day?

15 A. No.

16 Q. Who else turned themselves in?

17 A. Corey Cooks.

18 Q. Who else?

19 A. That's it.

20 Q. Is Corey Cooks a friend of yours?

21 MR. HARVIS: Objection. He will not answer
22 any questions that pertain to the charges he is
23 under indictment for. I think, unless there are
24 questions that don't involve the actual case, I
25 am happy to have him answer. In terms of his

J. HARRIS

1 Q. Are you a member of the 18 Park Gang?

2 MR. HARVIS: Objection. That's Fifth
3 Amendment. We are not answering that.

4 Q. Did the New York City Police Department ever
5 believe you were part of a gang?

6 MR. HARVIS: Objection. Don't answer.

7 MR. JOHNSON: I go back to Exhibit A. Under
8 here, it says gang affiliation, yes, 18 Park
9 Gang. Do you deny being a member of that gang?

10 MR. HARVIS: Objection. Don't answer that.
11 He didn't prepare that document. He has no
12 involvement in the preparation of that document.
13 We are not answering any questions about the 18
14 Park Gang. It has nothing to do with our case.

15 MR. JOHNSON: Are you asserting your Fifth
16 Amendment right?

17 MR. HARVIS: What's the question?

18 Q. Are you a member of the 18 Park Gang?

19 MR. HARVIS: He answered that. He said he
20 is not a member of any gang.

21 Q. Are you a member of the 18 Park Gang? Why did
22 the NYPD think you were a member of 18 Park Gang?

23 MR. HARVIS: Objection. He is not answering
24 that.

25 Q. So it is your assertion you don't belong to the

J. HARRIS

1 Q. How did you meet your girlfriend?

2 A. I know her since I was a little younger.

3 Q. And so were you at her place that night?

4 A. I could have been. I don't know.

5 Q. Do you know the first place you went on May 7th,

6 2015?

7 A. No, I don't.

8 Q. Do you remember any place you went to on May 7th,

9 2015?

10 A. Yes.

11 Q. Where was that?

12 A. Downtown.

13 Q. Where was that? Do you remember that location?

14 A. 63, Amsterdam, where the incident took place.

15 Q. Why did you go to 63, Amsterdam?

16 A. Because a friend of mine is down there.

17 Q. What friend is that?

18 A. Nate.

19 Q. What's his last name?

20 A. I don't know.

21 Q. How do you know Nate?

22 A. Because family relative, things.

23 Q. How often did you visit Nate?

24 MR. HARVIS: What period of time?

25 MR. JOHNSON: During this period of time

J. HARRIS

1 Fifth Amendment. I will not allow him to answer.

2 Q. Were they with you?

3 A. Not with me.

4 MR. HARVIS: You can ask him, but same
5 objection.

6 MR. JOHNSON: He answered. That's fine.

7 Q. So the people you were indicted with, one of them
8 was at the location?

9 MR. HARVIS: He is not answering that on
10 Fifth Amendment grounds.

11 Q. Did you possess any illegal drugs on May 7th,
12 2015 in the vicinity of 217 West 63rd Street?

13 A. No.

14 Q. Did you possess marijuana on May 7th, 2015?

15 MR. HARVIS: Objection. He answered that
16 question.

17 A. No.

18 Q. Did anyone in the vicinity of that area have
19 marijuana?

20 MR. HARVIS: Objection. You can answer.

21 A. No.

22 Q. Do you know of anyone who possessed illegal drugs
23 on May 7th, 2015?

24 MR. HARVIS: Objection. In the world?

25 MR. JOHNSON: In the vicinity of 217 West

J. HARRIS

1 Street?

2 A. I don't really remember. I don't know if it was
3 a train or cab.

4 Q. And what time did you arrive at that location?

5 A. I don't really remember.

6 Q. And how long were you at that location?

7 A. To my recollection, I would say maybe an hour or
8 two.

9 Q. And did there come a time when you saw police
10 officers in the vicinity of 217 West 63rd Street?

11 A. Yes.

12 Q. When did you first see them? Where did you first
13 see them?

14 A. When they stopped me.

15 Q. And do you remember who stopped you?

16 A. No. I don't remember his name. I know how he
17 looked. I don't remember his name.

18 Q. What did he look like?

19 A. Tall Caucasian guy.

20 Q. Could you tell how old he was?

21 A. Maybe late thirties, early forties.

22 Q. Had you ever seen him before?

23 A. Yes.

24 Q. Where did you see him before?

25 A. 146, Third and College.

J. HARRIS

1 you.

2 A. They stopped me. Asked me what's my name. I
3 told them my name.

4 Q. What did they do after that?

5 A. He turned, walked back. And then he asked me do
6 I have ID. I told him yes. Grabbed the ID. Then he
7 called to his partner and that's when he came back and then
8 was like, you don't remember me, mama boy? That's it.

9 Q. What did you say?

10 A. No.

11 Q. Then what did he say after that?

12 A. I don't remember what he said after that.

13 Q. What happened after that?

14 A. He searched me.

15 Q. How did he search you?

16 A. He pat me down.

17 Q. Why did he search you?

18 MR. HARVIS: Objection.

19 A. I don't know why.

20 Q. Then what did he do?

21 A. He walked away. Then another officer searched
22 me.

23 Q. Then did they find anything?

24 A. No.

25 Q. Then what happened next?

J. HARRIS

1 A. They went towards like the right, towards back to
2 their car.

3 Q. Then what?

4 A. Then when I was getting ready to go into the
5 building, told me hold on.

6 Q. What building was that?

7 A. I don't know, I don't know the number of the
8 building.

9 Q. Then what happened next?

10 A. That's when I seen him go next to a coat, jacket,
11 coat.

12 Q. This jacket was?

13 A. Was on a gate fence.

14 Q. Where was this fence?

15 A. Fifteen to -- twelve to fifteen feet away from
16 me.

17 Q. Had you seen that jacket before?

18 A. No.

19 Q. Then what happened next?

20 A. One officer searched the coat. Dropped it on the
21 floor. Then the next officer picked up the coat. Searched
22 it as well. And that's when he pulled out something from
23 the coat and he was like it is yours.

24 Q. What did you say?

25 A. I said it is not mine.

J. HARRIS

1 Q. That wasn't yours?

2 A. It wasn't mine.

3 Q. And why did the police officers think it was
4 yours?

5 MR. HARVIS: Objection.

6 Do you know why the police officers thought
7 that?

8 A. I don't know what's in the next person's mind.

9 Q. Had you been standing by that gate before when
10 the police arrived?

11 A. No.

12 Q. Had you stood by that gate before?

13 A. No.

14 Q. You are sure of that?

15 A. Positive.

16 Q. And the gate was in full view of everybody with
17 many people standing by that gate?

18 A. No.

19 Q. Was there anyone standing by the gate?

20 A. Nobody was standing by the gate. People were
21 still walking by.

22 Q. And the gate, could you see it looking straight
23 on where the jacket was or was it to the left or to the
24 right of you?

25 A. To your right side.

J. HARRIS

1 Q. How far from the entrance of the, how far from
2 where you were first stopped by the cop was that jacket?

3 A. Ten, fifteen feet.

4 Q. Then when you were walking to the building, how
5 far was the jacket from you?

6 A. That's when I got stopped at when I was in front
7 of the building.

8 Q. And what happened next?

9 A. Put me in handcuffs. Put me in the back of the
10 car. Took out his iPhone. Started taking pictures. And
11 that's when I believe he contacted 40 Precinct and told
12 them that he got mama's boy.

13 Q. Why did he call you mama's boy?

14 MR. HARVIS: Objection.

15 Q. Had anyone ever called you that before?

16 A. No.

17 Q. So he took a picture of you.

18 What kind of picture did he take?

19 MR. HARVIS: Objection.

20 A. What you mean what type of picture.

21 Q. Were you fully dressed?

22 A. No, I was in the back of the cop car, handcuffed.

23 Q. Did he make you take any of your clothes off?

24 A. I was in the back of the van in the cop car.

25 Q. How long was that telephone conversation? Do you

J. HARRIS

1 remember?

2 MR. HARVIS: When he called the 40 Precinct?

3 MR. JOHNSON: Yes.

4 A. Not long.

5 Q. Minute?

6 A. Not long.

7 Q. How many pictures did he take of you?

8 A. A few.

9 Q. And did he tell you why he was taking your
10 picture?

11 A. No.

12 Q. So to be clear, he called somebody in the 40
13 Precinct?

14 A. Yes.

15 Q. And what did he say again?

16 A. He had mama's boy.

17 Q. Did you believe he was talking about you?

18 A. He just called me that I believe I am the only
19 one in the car he is talking about me.

20 Q. Prior to the police arriving there, who were you
21 standing next to?

22 A. What you mean?

23 Q. Who else were you with when the cops stopped you?
24 Was there anyone else next to you?

25 A. Two females.

J. HARRIS

1 that park?

2 A. No.

3 Q. How often would you encounter police officers in
4 that park?

5 MR. HARVIS: Objection.

6 A. What do you mean?

7 Q. You said in your earlier lawsuit you were
8 assaulted by police officers outside that park. Is that
9 the only time the police officers had spoken to you at that
10 park, any police officers?

11 A. There is police officers there.

12 Q. Have you spoken to them before?

13 A. No.

14 Q. Do you know any of those police officers?

15 A. No.

16 Q. Do you have any tattoos?

17 A. Yes.

18 Q. What are your tattoos?

19 A. My mother name. A rose. Money rose. Dollar
20 bill, one hundred dollar bill. Bags of money. Two faces.
21 And M.O.B.

22 Q. And who does M.O.B. stand for?

23 A. Money over, you say, money over bitches.

24 Q. Do you have a tattoo that says the number 18 on
25 it?

J. HARRIS

1 member of a gang?

2 A. No.

3 Q. Do you know if anyone in that crowd was a member
4 of the 18 Park Gang?

5 A. No. There is no 18 Park Gang. You can stop
6 asking me that.

7 MR. HARVIS: We will assert the Fifth
8 Amendment right with respect to any questions
9 regarding the 18 Park Gang. Beyond that --

10 MR. JOHNSON: You should be consistent about
11 the Fifth Amendment.

12 MR. HARVIS: Fair enough. We are here.

13 MR. JOHNSON: I will mark it for ruling. He
14 already opened the door when he answered it.

15 MR. HARVIS: You cannot waive them. You
16 cannot open the door to them. As to any future
17 questions, he reserves them. That's what we will
18 do.

19 Q. 18 Park Gang, when I asked if the 18 Park Gang
20 was there on that location on May 7th, 2015, you are
21 asserting your Fifth Amendment?

22 MR. HARVIS: That wasn't the question, but I
23 will assert my right with respect to that.

24 Q. Was 18 Park Gang at that location on May 7th,
25 2015?

J. HARRIS

1 MR. HARVIS: We are not answering that on
2 Fifth Amendment grounds.

3 Q. So you got into the police vehicle and where did
4 they take you?

5 A. To the precinct.

6 Q. Do you know which precinct that was?

7 A. No.

8 MR. HARVIS: It was the 20 Precinct.

9 Q. Do you know if it was the 20 Precinct?

10 A. I don't know what precinct it was.

11 Q. For the record, I will state Exhibit A the arrest
12 report for Jonathan Harris dated May 7th, 2015 states he
13 was transported to the 20 Precinct.

14 MR. HARVIS: I will object to say that it
15 doesn't say he was taken there. It does indicate
16 that was the precinct of the arrest.

17 Q. What happened when you got to the precinct?

18 A. I believe they took my fingerprints. Left me in
19 the cell after that.

20 Q. Did anyone come by to examine your status at that
21 time?

22 A. Not that I remember, no.

23 Q. And did the police officers ask you any questions
24 while you were in the cell?

25 A. No.

J. HARRIS

1 A. Because I was falsely arrested. Taken to the
2 precinct and spent several hours in there for no reason not
3 knowing what was going to be the outcome.

4 Q. Was that the first time you had been taken to the
5 precinct for that lifetime? Had you ever been sent to
6 central booking?

7 A. Yes.

8 Q. Have you ever been at Rikers Island?

9 A. Yes.

10 Q. How long were you at Rikers Island?

11 A. I believe two days.

12 Q. And how long had you been inside the Metropolitan
13 Correctional Center?

14 A. Maybe five months.

15 Q. Other than yourself, does anyone else have -- do
16 you know of anyone else who supports your version of
17 events, any witnesses that can testify on your behalf in
18 this case?

19 A. What you mean?

20 Q. Is there anyone that you know that can back up
21 your story?

22 A. Yes.

23 Q. What are their names?

24 A. I don't know the name.

25 Q. Do you know what they look like?